S.B.Criminal. Misc. Bail Application No.5422/2007
(Het Ram & Ors. Vs. State of Rajasthan)

Date of order : November 15, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. H.S.Sidhu, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

The petitioners seek anticipatory bail under section 438 Cr.P.C. for the offences under sections 452, 323, 427 and 143 I.P.C. and section 3 of the SC & ST (Prevention of Atrocities) Act, 1989 (for short `the Act' hereinafter). Section 18 of the Act takes away the power of this Court under section 438 Cr.P.C. In the circumstances, therefore, the bail application under section 438 Cr.P.C. is not maintainable.

The bail application filed by the petitioners under section 438 Cr.P.C. is, therefore, dismissed.

Learned counsel for the petitioners submits that the petitioners would surrender before the trial court and move a

regular bail and the trial court may be directed to decide the bail application on the same day.

If the petitioners surrender before the trial court and move a regular bail in early hours of the day, the trial court shall consider and decide the bail application on the same day.

(H.R.PANWAR),J.

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